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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARD OF TRUSTEES OF THE
WESTERN METAL INDUSTRY
PENSION FUND,

Plaintiff,

v.

PAUL BRONG MACHINE WORKS,
LLC, Oregon Registry No. 52366292,

Defendant.

NO.

COMPLAINT FOR BREACH OF
COLLECTIVE BARGAINING
AGREEMENT AND DELINQUENT
CONTRIBUTIONS (ERISA)

For their complaint, plaintiffs allege as follows:

I. PARTIES AND JURISDICTION

1. Plaintiff is the Board of Trustees of the Western Metal Industry Pension Fund (“Trust Fund”), a joint labor-management trust fund created under Section 302(c) of the Labor Management Relations Act, (hereafter referred to as the Act), 29 U.S.C. 186(c) and governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, *et seq.* as amended (hereafter ERISA).

COMPLAINT FOR BREACH OF COLLECTIVE
BARGAINING AGREEMENT – 1

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2. Paul Brong Machine Works, LLC (“Paul Brong”) is an Oregon limited liability company with its primary place of business located at 421 NE 12th Avenue, Portland, Oregon 97232.

3. Jurisdiction is conferred on this Court by ERISA § 502, 29 U.S.C. § 1132.

4. Venue is appropriate in the Division of Seattle, King County, WA under ERISA § 502(e)(2), 29 U.S.C. § 1132(e)(2), because the Trust is administered in King County, Washington.

II. CLAIM FOR RELIEF

5. At all material times, Paul Brong has been signatory to a collective bargaining agreement (“CBA”) and other agreements with the International Association of Machinists and Aerospace Workers, Willamette Lodge No. 63 (the “Union”).

6. At all material times, Paul Brong was, and is, obligated to perform in accordance with the terms of the CBA and any other agreements between it and the Union.

7. The CBA and other agreements incorporate the terms of the Trust Agreement governing the Trust Fund.

8. At all material times, Paul Brong was required to submit contributions to the Western Metal Industry Pension Fund on behalf of its employees performing work covered by the CBA.

9. Paul Brong has failed to submit its contributions in accordance with the CBA, its other agreements, and the Trust Agreement thereby breaching ERISA §§ 502 and 515, 29 U.S.C. §§ 1132 and 1145.

10. Paul Brong has employed employees for whom employee benefit contributions

1 are due under this obligation but has failed and refuses to make the required monthly
2 contributions for such employees to the plaintiff Trust Fund.

3 11. Paul Brong owes an unknown amount of contributions and late fees to the
4 Trust Fund for the period of June 2018 through current. The amount will be proved upon
5 motions or at trial.

6 12. Under the terms of the trust agreement creating the Trust Fund and ERISA
7 § 502(g)(2), 29 U.S.C. § 1132(g)(2), Paul Brong is obligated to pay liquidated damages,
8 interest, reasonable attorney's fees, and costs and expenses of suit.

9 13. Paul Brong owes \$1,374.76 comprised of \$644.46 in interest, \$630.30 in
10 liquidated damages, and \$100 in referral attorney fees for the delinquent month of May 2018.

11 14. Paul Brong owes an unknown amount of liquidated damages, interest,
12 attorney's fees, and costs and expenses of suit for the period of June 2018 through current.
13 The amount will be proven upon motions or at trial.

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COMPLAINT FOR BREACH OF COLLECTIVE
BARGAINING AGREEMENT – 3

